

CITY OF IDAHO FALLS
BOARD OF ADJUSTMENT
P.O. BOX 50220
IDAHO FALLS ID 83405-0220
(208) 612-8276

**December 16, 2010
12:15 p.m.**

**City Annex Building, Council Chambers
680 Park Avenue**

Members Present: Stephanie Austad; Jake Cordova; Alex Creek; Steve Davies; Hal Latin; Richard Lee; Kendall Phillips; and James Wyatt.

Members Absent: Len Stenzel.

Staff Present: Brad Cramer, Assistant Director; and Debra Petty, Recording Secretary.

Also Present: The applicant(s).

Changes to Agenda: None.

Call to Order: The meeting was called to order at 12:15 p.m. by Chair Lee.

Minutes: **November 4, 2010.**

Motion by Latin, seconded by Creek, to approve the minutes of November 4, 2010, as presented.

Motion passed 8, 0, 0.

Public Hearings: **Variance Request
Lot 1, Block 1, Northgate Mile Addition, Division No. 1
1115 Northgate Mile**

Cramer described the request as outlined in the staff report, a part of the public record. He noted the following in regard to the project:

- The request is to reduce the required setback for landscaping along a public street from 20' to 2' on the west side and 20' to 17'6" on the south and reduce the required number of parking stalls from 40 to 29.
- Site is zoned HC-1 with a mix of surrounding uses.
- Property is a unique triangular shape with frontage on three streets and requires nearly 50% of the lot be dedicated to setbacks.
- If approved, the number of access to the site will be reduced from 4 to 2.
- There is a landscaping agreement with ITD to landscape and maintain the right-of-way.
- Two spaces near Holmes Avenue would be lost due to clear-view requirements and placement of transformer.
- ITD and city engineer recommend adjusting the access on Yellowstone so it is perpendicular to Northgate Mile to remedy parking issues.
- Adjustment to the placement of the dumpster could necessitate the need for an additional variance and options are under consideration.

Cramer said the hardship is due to the physical shape of the property, the need for a variance is not the creation of the owner/occupant, and it is not believed relocating the dumpsters and modifying the turning radius will create a nuisance to the neighborhood. He said 40 stalls are required based on building size, and with suggested modifications to the plan they have 26 spaces. The amount of parking they have is similar to the Taco Bell on 17th Street. According to the Institute of Transportation Engineers they believe the level of parking required for a fast-food restaurant with a drive-thru lane suggests 9.9 stalls per 1,000 square feet of building. This site would meet those guidelines.

Cramer said the options before the board are: approve the variance as presented; approved with the condition the site be adjusted with the possibility of an additional variance request for setback requirements for the building; and deny the variance. Cramer told Lee he would argue for approval if the board went with option 2. Wyatt is concerned about approving a variance for a plan that is only partially complete.

Chair Lee opened the hearing to public comment.

Clayton Jones
14071 W. Rochester Drive
Boise, Idaho

Mr. Jones has considered Idaho Falls for a restaurant for 10 years. He likes the property under consideration and believes he can make considerable improvements to the site and economics of the neighborhood. He believes the amount of landscaping planned negates the need for the required 20-foot planting strip. The upgrades to the site will improve visibility for the neighborhood.

Mr. Jones suggested granting them parking at 10 spaces per 1,000 square feet so they can meet the suggested requirement by the Institute of Parking Engineers at 26 spaces. He went on to explain that 60% to 70% of the business they do is in drive-thru business reducing the amount required. They reduced the size of the dining area in order to meet the requirements for placement of the building. There are a number of restaurants in Boise/Caldwell area that base parking on 9 stalls per 1,000 square feet.

Jones confirmed for Austad they would like to move forward with the variance to include relocation of the dumpster. Davies was concerned about the discrepancy with the legal advertisement in regard to what is being presented to the board. Cramer said Magee's legal opinion is the changes are not major and there has been no opposition by the public. Wyatt is excited to see improvement of the property and recommends support of the board.

Chair Lee closed the hearing to public comment.

Discussion by the board: Creek approves of the development and would like to move forward by allowing a minimum of 26 spaces. Austad would like to grant the applicant additional wiggle room in regard to the required parking so they can relocate the dumpster and have the appropriate turning radius and placement of the dumpsters. Cordova is supportive of her suggestion. Lee also concurs.

Motion by Cordova, seconded by Wyatt, to approve the variance to reduces the required landscaping from 20' to 2' on the west and 20' to 17'6" on the south and reduce the required parking from 15 spaces per thousand square feet to 9 spaces per thousand square feet. This is a uniquely shaped lot, the need for a variance is not the creation of the owner, and it is not detrimental to the neighborhood.

Aye: Stephanie Austad; Jake Cordova; Alex Creek; Steve Davies; Hal Latin; Chair Lee; Kendall Phillips; and James Wyatt.

Nay:

Abstain:

Business:

Findings of Fact and Conclusions of Law for South 5' Lot 9 and Lot 10, Block 10, Jennie Lee Division No. 4 (1313 Mojave).

Motion by Davies, seconded by Cordova, to approve the Findings of Fact and Conclusions of Law for 1313 Mojave.

Aye: Stephanie Austad; Jake Cordova; Alex Creek; Steve Davies; Hal Latin; Chair Lee; Kendall Phillips; and James Wyatt.

Nay:

Abstain:

Findings of Fact and Conclusions of Law for Lot 10 less 1,663 square feet, Block 1, Blackburn Amended (563 9th Street).

Motion by Latin, seconded by Creek, to approve the Findings of Fact and Conclusions of Law for 563 9th Street.

Aye: Stephanie Austad; Jake Cordova; Alex Creek; Steve Davies; Hal Latin; Chair Lee; Kendall Phillips; and James Wyatt.

Nay:

Abstain:

Findings of Fact and Conclusions of Law for N 45 feet Lot 15 and South Portion Lot 16, Block 3, Temple View Park (854 Claire View Drive).

Motion by Austad, seconded by Latin, to approve the Findings of Fact and Conclusions of Law for 854 Claire View Drive.

Aye: Stephanie Austad; Jake Cordova; Alex Creek; Hal Latin; Chair Lee; Kendall Phillips; and James Wyatt.

Nay:

Abstain: Steve Davies.

Miscellaneous:

Cramer indicated the board had not had any formal training for quite some time and received the following suggestions: Authority of board; reasons for granting a variance; process; and comparison of board approved variances/projects.

Adjourn:

Meeting adjourned at 1:00 PM.

Debra Petty, Recording Secretary
Board of Adjustment